

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

Bahia Amawi,	§	
<i>Plaintiff,</i>	§	
	§	
v.	§	Civil Action No. 1:18-CV-1091-RP
	§	
Pflugerville Independent School District; and	§	<i>consolidated with:</i>
Ken Paxton, in his official capacity as	§	
Attorney General of Texas,	§	Civil Action No. 1:18-CV-1100-RP
<i>Defendants.</i>	§	

DEFENDANT KEN PAXTON'S ANSWER AND DEFENSES TO
PLAINTIFF BAHIA AMAWI'S COMPLAINT AND JURY DEMAND

Defendant Ken Paxton respectfully files his Original Answer to Plaintiff Bahia Amawi's Complaint and Jury Demand (Doc. 1), and shows the Court as follows:

ANSWER TO COMPLAINT

Pursuant to Federal Rule of Civil Procedure 8(d), Defendant denies each and every allegation contained in the Complaint except for those expressly admitted herein. The headings and numbered paragraphs below directly correlate to the sections and numbered paragraphs of the Complaint. Those titles and headings are reproduced in this Answer for organizational purposes only, and Defendant Paxton does not admit any matter contained therein.

INTRODUCTION

1. Paragraph 1 contains assertions of law, conclusory statements, and/or argument to which no response is required. To the extent that this Paragraph contains any factual allegations requiring a response, Defendant denies the allegations in this Paragraph.

2. Defendant lacks sufficient knowledge or information to form a belief about the truth of the allegations contained in this Paragraph, and on that basis denies the allegations in their entirety.

3. Defendant admits that in 2017, Chapter 2270 of the Texas Government Code was

enacted into law. Defendant denies the remaining allegations Paragraph 3 of the Complaint.

4. Defendant lacks sufficient knowledge or information to form a belief about the truth of the allegations contained in this Paragraph, and on that basis denies the allegations in their entirety.

5. Paragraph 5 contains assertions of law, conclusory statements, and/or argument to which no response is required. To the extent that this Paragraph contains any factual allegations requiring a response, Defendant denies the allegations in this Paragraph.

PARTIES

6. Defendant admits that Bahia Amawi is a plaintiff in this matter. Defendant lacks sufficient knowledge or information to form a belief about the truth of the remaining allegations contained in this Paragraph, and on that basis denies the allegations in their entirety.

7. Defendant lacks sufficient knowledge or information to form a belief about the truth of the allegations contained in this Paragraph, and on that basis denies the allegations in their entirety.

8. Defendant admits that Ken Paxton is the Attorney General of Texas and that Plaintiff has sued him in his official capacity only. The remainder of Paragraph 5 contains assertions of law, conclusory statements, and/or argument to which no response is required. To the extent that this Paragraph contains any additional factual allegations requiring a response, Defendant denies the allegations in this Paragraph.

JURISDICTION & VENUE

9. Paragraph 9 contains assertions of law, conclusory statements, and/or argument to which no response is required. To the extent that this Paragraph contains any factual allegations requiring a response, Defendant admits that, as a general matter, 28 U.S.C. § 1331 grants this Court jurisdiction to hear federal questions. Defendant denies that Defendant has committed any violation of applicable law or that Plaintiff has otherwise demonstrated this Court's subject matter jurisdiction over any claims against Defendant.

10. Paragraph 10 contains assertions of law, conclusory statements, and/or argument to which no response is required. To the extent that this Paragraph contains any factual allegations requiring a response, Defendant denies the allegations in this Paragraph.

11. Paragraph 11 contains assertions of law, conclusory statements, and/or argument to which no response is required. To the extent that this Paragraph contains any factual allegations requiring a response, Defendant denies the allegations in this Paragraph.

12. Paragraph 12 contains assertions of law, conclusory statements, and/or argument to which no response is required. To the extent that this Paragraph contains any factual allegations requiring a response, Defendant admits that, as a general matter, 28 U.S.C. § 1391(b) addresses the appropriate venue for cases over which this Court may have jurisdiction, including that “[a] civil action may be brought in . . . a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated.” Defendant denies that he has committed any violation of applicable law.

FACTUAL BACKGROUND

The Israel – Palestine Conflict is a Fraught Issue of International Importance

13. Defendant lacks sufficient knowledge or information to form a belief about the truth of the allegations contained in this Paragraph, and on that basis denies the allegations in their entirety.

14. Defendant lacks sufficient knowledge or information to form a belief about the truth of the allegations contained in this Paragraph, and on that basis denies the allegations in their entirety.

15. Defendant lacks sufficient knowledge or information to form a belief about the truth of the allegations contained in this Paragraph, and on that basis denies the allegations in their entirety.

16. Defendant lacks sufficient knowledge or information to form a belief about the truth of the allegations contained in this Paragraph, and on that basis denies the allegations in their entirety.

17. Defendant lacks sufficient knowledge or information to form a belief about the truth

of the allegations contained in this Paragraph, and on that basis denies the allegations in their entirety.

Texas Passes Anti-Boycott, Divestment, and Sanctions Legislation

18. Defendant lacks sufficient knowledge or information to form a belief about the truth of the allegations contained in this Paragraph, and on that basis denies the allegations in their entirety.

19. Defendant denies the allegations in Paragraph 19 of the Complaint.

20. Defendant admits that the Legislature passed, and the Governor signed, House Bill 89, which in relevant part is codified at Chapter 2270 of the Texas Government Code. Defendant admits that Representative Phil King issued a statement regarding House Bill 89. Defendant denies the remaining allegations in Paragraph 20 of the Complaint.

21. Defendant admits that Chapter 2270 provides, in part, that a “governmental entity may not enter into a contract with a company for goods or services unless the contract contains a written verification from the company that it: (1) does not boycott Israel; and (2) will not boycott Israel during the term of the contract.” Tex. Gov’t Code § 2270.002. Defendant denies the remaining allegations in Paragraph 21 of the Complaint.

22. Paragraph 22 contains assertions of law, conclusory statements, and/or argument to which no response is required. To the extent that this Paragraph contains any factual allegations requiring a response, Defendant admits that this Paragraph recites a portion of Section 2270.002 of the Texas Government Code.

23. Paragraph 23 contains assertions of law, conclusory statements, and/or argument to which no response is required. To the extent that this Paragraph contains any factual allegations requiring a response, Defendant admits that this Paragraph recites a portion of Section 808.001 of the Texas Government Code.

24. Paragraph 24 contains assertions of law, conclusory statements, and/or argument to which no response is required. To the extent that this Paragraph contains any factual allegations

requiring a response, Defendant denies that this Paragraph reflects the changes to Chapter 2270 passed in House Bill 793 and denies the remaining allegations in this Paragraph.

25. Defendant lacks sufficient knowledge or information to form a belief about the truth of the allegations contained in this Paragraph, and on that basis denies the allegations in their entirety.

Children's Speech Language Pathologist Forces to Resign Contract

26. Defendant lacks sufficient knowledge or information to form a belief about the truth of the allegations contained in this Paragraph, and on that basis denies the allegations in their entirety.

27. Defendant lacks sufficient knowledge or information to form a belief about the truth of the allegations contained in this Paragraph, and on that basis denies the allegations in their entirety.

28. Defendant lacks sufficient knowledge or information to form a belief about the truth of the allegations contained in this Paragraph, and on that basis denies the allegations in their entirety.

29. Defendant lacks sufficient knowledge or information to form a belief about the truth of the allegations contained in this Paragraph, and on that basis denies the allegations in their entirety.

30. Defendant lacks sufficient knowledge or information to form a belief about the truth of the allegations contained in this Paragraph, and on that basis denies the allegations in their entirety.

31. Defendant lacks sufficient knowledge or information to form a belief about the truth of the allegations contained in this Paragraph, and on that basis denies the allegations in their entirety.

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33. Defendant lacks sufficient knowledge or information to form a belief about the truth of the allegations contained in this Paragraph, and on that basis denies the allegations in their entirety.

34. Defendant lacks sufficient knowledge or information to form a belief about the truth of the allegations contained in this Paragraph, and on that basis denies the allegations in their entirety.

35. Defendant lacks sufficient knowledge or information to form a belief about the truth

of the allegations contained in this Paragraph, and on that basis denies the allegations in their entirety.

36. Defendant lacks sufficient knowledge or information to form a belief about the truth of the allegations contained in this Paragraph, and on that basis denies the allegations in their entirety.

FIRST CAUSE OF ACTION
VIOLATION OF THE FIRST AND FOURTEENTH AMENDMENTS TO
THE U.S. CONSTITUTION

37. Defendant repeats and reaffirms his answers to each and every allegation contained in the paragraphs above and incorporates the same herein as though fully set forth.

38. Paragraph 38 contains assertions of law, conclusory statements, and/or argument to which no response is required. To the extent that this Paragraph contains any factual allegations requiring a response, Defendant admits that this Paragraph recites from the First Amendment to the United States Constitution.

39. Paragraph 39 contains assertions of law, conclusory statements, and/or argument to which no response is required. To the extent that this Paragraph contains any factual allegations requiring a response, Defendant denies the allegations in this Paragraph.

40. Paragraph 40 contains assertions of law, conclusory statements, and/or argument to which no response is required. To the extent that this Paragraph contains any factual allegations requiring a response, Defendant denies the allegations in this Paragraph.

41. Paragraph 41 contains assertions of law, conclusory statements, and/or argument to which no response is required. To the extent that this Paragraph contains any factual allegations requiring a response, Defendant denies the allegations in this Paragraph.

42. Paragraph 42 contains assertions of law, conclusory statements, and/or argument to which no response is required. To the extent that this Paragraph contains any factual allegations requiring a response, Defendant denies the allegations in this Paragraph.

43. Paragraph 43 contains assertions of law, conclusory statements, and/or argument to

which no response is required. To the extent that this Paragraph contains any factual allegations requiring a response, Defendant denies the allegations in this Paragraph.

44. Paragraph 44 contains assertions of law, conclusory statements, and/or argument to which no response is required. To the extent that this Paragraph contains any factual allegations requiring a response, Defendant denies the allegations in this Paragraph.

45. Paragraph 45 contains assertions of law, conclusory statements, and/or argument to which no response is required. To the extent that this Paragraph contains any factual allegations requiring a response, Defendant denies the allegations in this Paragraph.

46. Paragraph 46 contains assertions of law, conclusory statements, and/or argument to which no response is required. To the extent that this Paragraph contains any factual allegations requiring a response, Defendant denies the allegations in this Paragraph.

47. Paragraph 47 contains assertions of law, conclusory statements, and/or argument to which no response is required. To the extent that this Paragraph contains any factual allegations requiring a response, Defendant denies the allegations in this Paragraph.

48. Paragraph 48 contains assertions of law, conclusory statements, and/or argument to which no response is required. To the extent that this Paragraph contains any factual allegations requiring a response, Defendant denies the allegations in this Paragraph.

49. Paragraph 49 contains assertions of law, conclusory statements, and/or argument to which no response is required. To the extent that this Paragraph contains any factual allegations requiring a response, Defendant denies the allegations in this Paragraph.

50. Paragraph 50 contains assertions of law, conclusory statements, and/or argument to which no response is required. To the extent that this Paragraph contains any factual allegations requiring a response, Defendant denies the allegations in this Paragraph.

51. Paragraph 51 contains assertions of law, conclusory statements, and/or argument to

which no response is required. To the extent that this Paragraph contains any factual allegations requiring a response, Defendant denies the allegations in this Paragraph.

52. Paragraph 52 contains assertions of law, conclusory statements, and/or argument to which no response is required. To the extent that this Paragraph contains any factual allegations requiring a response, Defendant denies the allegations in this Paragraph.

53. Paragraph 53 contains assertions of law, conclusory statements, and/or argument to which no response is required. To the extent that this Paragraph contains any factual allegations requiring a response, Defendant denies the allegations in this Paragraph.

54. Paragraph 54 contains assertions of law, conclusory statements, and/or argument to which no response is required. To the extent that this Paragraph contains any factual allegations requiring a response, Defendant denies the allegations in this Paragraph.

55. Paragraph 55 contains assertions of law, conclusory statements, and/or argument to which no response is required. To the extent that this Paragraph contains any factual allegations requiring a response, Defendant denies the allegations in this Paragraph.

56. Paragraph 56 contains assertions of law, conclusory statements, and/or argument to which no response is required. To the extent that this Paragraph contains any factual allegations requiring a response, Defendant denies the allegations in this Paragraph.

57. Paragraph 57 contains assertions of law, conclusory statements, and/or argument to which no response is required. To the extent that this Paragraph contains any factual allegations requiring a response, Defendant denies the allegations in this Paragraph.

PRAYER FOR RELIEF

Defendant denies that any relief sought by Plaintiff in paragraphs (A)-(H) in the “Prayer for Relief” section of her Complaint is appropriate and warranted.

Jury Demand

Defendant admits that Plaintiff seeks a trial by jury. Defendant denies that any relief is appropriate or warranted and denies that Plaintiff is entitled to a jury trial in this matter.

DEFENSES

Defendant asserts the following defenses:

1. Defendant asserts the defense of Eleventh Amendment immunity to all claims to which that defense applies.
2. Defendant asserts that Plaintiff lacks standing to pursue any of their claims against Defendant.
3. Defendant asserts that Plaintiff's claims against Defendant are moot.
4. Defendant asserts that Plaintiff has failed to state claims upon which relief can be granted.
5. Defendant asserts that he has fully complied with all applicable laws.
6. Defendant reserves the right to raise additional affirmative defenses as they become apparent during the development of the case.

PRAYER

Defendant Ken Paxton prays that Plaintiff take nothing by this suit, that all costs be taxed adjudged against Plaintiff, and that Defendant be granted such other relief to which he may be justly entitled.

Respectfully submitted.

KEN PAXTON
Attorney General of Texas

JEFFREY C. MATEER
First Assistant Attorney General

DARREN L. MCCARTY
Deputy Attorney General for Civil Litigation

AMANDA J. COCHRAN-MCCALL
Chief for General Litigation Division

/s/ Michael R. Abrams
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Counsel for Defendant Ken Paxton

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing document was served upon Plaintiffs' counsel of record through the Court's electronic filing system on May 9, 2019.

/s/ Michael R. Abrams
MICHAEL R. ABRAMS